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May 1, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20024

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MAY 01 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

Transmitted herewith on behalf of Gateway Communications, Inc., licensee of NTSC television Station WOWK-TV, Huntington, West Virginia, are an original and four copies of its "Petition for Rule Making". The Petition requests the Commission to initiate a rule making proceeding to substitute Channel 47 for Channel 54 as the transitional DTV allotment assigned to WOWK-DT.

Should there be any questions concerning the Petition for Rule Making, please communicate with the undersigned.

Very truly yours,



John R. Wilner

JRW/vih

Enclosures
jrw/049858/190982v1

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.622(b),)	RM No.
Table of Allotments,)	
Digital Television Broadcast Stations)	MM Docket No.
(Huntington, West Virginia))	

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MAY 01 2000
FEDERAL COMMUNICATIONS COMMISSION
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To: The Mass Media Bureau

PETITION FOR RULE MAKING

Gateway Communications, Inc. ("Gateway"), licensee of commercial television station WOWK-TV, Huntington, West Virginia, hereby respectfully requests the Commission to initiate a rule making to modify the Digital Television Table of Allotments in Section 73.622 of the Commission's Rules to substitute Channel 47 for Channel 54 as the transitional digital television allotment to be used by Station WOWK-DT.

In its digital television proceedings, the Commission specified Channels 2-51 as the digital television core spectrum to be retained for broadcast use at the end of the DTV transition period.^{1/} Television stations may operate outside the core spectrum during the period in which such stations are transitioning to digital operations. At the end of the transition period, however, television stations operating on channels outside the core spectrum must surrender their licenses for such channels and commence digital broadcast operations on some channel within the core

^{1/} See, e.g. In re Advanced Television Systems, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd 7418, paras. 42-46 (1998) ("Reconsideration Order"); Sixth Report and Order in MM Docket No. 87-268, 12 FCC Rcd 14588 (1997).

spectrum.^{2/} Accordingly, a station with a digital allotment outside the core spectrum, such as WOWK-TV, would have to construct two digital facilities, the first to be used on the non-core channel during the transition period, and a second facility for operations on a core channel after the transition period.

In the Reconsideration Order, the Commission explicitly “recognize[d] the additional burden placed on licensees with out-of-core DTV allotments.”^{3/} To alleviate this burden wherever possible, the Commission made the commitment that “to the extent that in-core channels [are] available during the transition, [it] will attempt to further reduce the number of out-of-core allotments” through “future amendments to the Table.”^{4/}

Substitution of core Channel 47 for non-core Channel 54 as the DTV channel assigned to WOWK-DT would allow Gateway to design and construct only one digital transmission facility for WOWK-DT. Thus, Gateway’s construction and related DTV conversion costs would be substantially reduced, thereby providing the licensee with additional resources to promote and provide WOWK-DT’s broadcast service to the public.

The attached Engineering Statement prepared by Cohen, Dippell and Everist, P.C., which is incorporated by reference in this Petition, confirms that the proposed allotment change is consistent with the requirements of Section 73.623 of the Commission’s Rules. Specifically, the Statement shows that (1) WOWK-DT would meet the principal city coverage requirements of Section 73.625(a); the proposed allotment change would not result in impermissible levels of

^{2/} See, Reconsideration Order, paras. 55-58.

^{3/} Id. at para. 55.

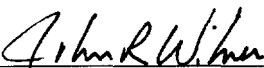
^{4/} Id.

interference to other DTV allotments or existing NTSC stations; and (3) the proposal considers television translator and low power stations.

In conclusion, Gateway respectfully requests that the Commission initiate a rulemaking proceeding proposing the substitution of DTV Channel 47 for DTV Channel 54 for Station WOWK-DT, Huntington, West Virginia.

Respectfully submitted,

GATEWAY COMMUNICATIONS INC.

By 
John R. Wilner
Visilios Salamandrakis

Bryan Cave LLP
700 Thirteenth Street, N.W.
Washington, DC 20005
(202) 508-6000

Its Attorneys

May 1, 2000

ENGINEERING STATEMENT
PETITION FOR RULE MAKING
SECTION 73.622 OF THE FCC RULES
TO CHANGE DTV CHANNEL
ON BEHALF OF
GATEWAY COMMUNICATIONS, INC.
WOWK-TV, HUNTINGTON, WEST VIRGINIA

APRIL 2000

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

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) ss
District of Columbia)

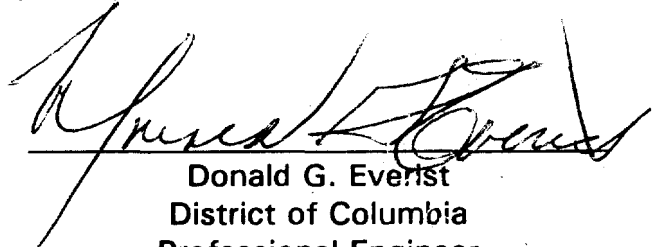
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;


That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.


Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 27th day of April, 2000.


Notary Public

My Commission Expires: 2/28/2003

This engineering statement has been prepared on behalf of Gateway Communications, Inc., licensee of Television Station WOWK-TV, Huntington, West Virginia, which is assigned NTSC Channel 13. It is proposed to change the current digital television channel allotment contained in Section 73.622 of the FCC Rules from UHF Channel 54 to UHF Channel 47 at the maximum UHF DT non-directional power of 1000 kW. The resulting service area encompasses the entire community of license.

This request is supported by an analysis of the impact of this proposal on other authorized NTSC stations, DTV stations, and other proposed DTV allotment changes. An allocation analysis has been performed using the Federal Communications Commission OET Bulletin 69 dated July 2, 1997 and the FCC supplemental processing guidelines dated August 1998. The analysis was performed by using the FCC Longley-Rice model adapted for use for an INTEL computer. The results of this adapted program has been compared to other known FCC studies and have been found to give comparable results.

<u>DTV Channel</u>	<u>Effective Radiated Power (kW)</u>	<u>Height Above Average Terrain (meters)</u>
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Existing DTV Table of Allotments, Page B¹

54	430.9	389
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Proposed DTV Facilities

47	1000	394
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¹In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (FCC 98-24), 2/12/98.

Further, an examination of co-channel low power television and translator stations within 50 km has been performed. No low power or translator station has been found for consideration. In conclusion, it is believed that the request for DTV Channel 47 is consistent with the FCC Rules.

TABLE 1
POTENTIAL INTERFEREES OF
WOWK-DT, HUNTINGTON, WEST VIRGINIA
CHANNEL 47, 1000 KW, 387 METERS
APRIL 2000

<u>NTSC</u>	<u>Channel</u>	<u>City/State</u>	<u>Power kW</u>	<u>Bearing/Distance from WOWK-DT</u>	<u>New Interference</u>
WPBY-TV	33	Huntington, WV	2090	149.6°/1.4 km	0.0%
WKLE(TV)	46	Lexington, KY	1260	250.0°/198.1 km	0.0%
WVFX(TV)	46	Clarksburg, WV	155	60.7°/184.3 km	0.0%
WKBS-TV	47	Altoona, PA	1510	53.4°/396.8 km	0.0%
WSBN-TV	47	Norton, VA	1334	191.6°/182.2 km	1.9%
<u>DTV</u>					
WWHO-DT	46	Chillicothe, OH	200	327.4°/143.4 km	0.0%
WVVA-DT	46	Bluefield, WV	875	146.7°/165.6 km	0.2%
WAVE-DT	47	Louisville, KY	1000	269.9°/280.6 km	0.1%
WJZY-DT	47	Belmont, NC	225	164.7°/361.3 km	0.0%
WOAC-DT	47	Canton, OH	1000	14.2°/298.6 km	0.0%
WTLW-DT*	47	Lima, OH	200	326.7°/302.5 km	0.0%
WVSX-DT	48	Lewisburg, WV	384	121.4°/154.8 km	0.1%

* DTV Stations with an ERP of less than 200 kW are studied at 200 kW